IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 10301 of 2005

Between:

Nakka Chandra Mohan S/o Subrahmanyam
Secretary, Tegacherla PACS Rapur Mandal,
Nellore District

..... PETITIONER

AND

1 The Divisional Co-Operative Officer, Nellore Town & Dist.,

2 The Person-in-Charge / Chairman
Tegacherla PACS, Rapur Mandal, Nellore Dist.,
(Co-operative Sub-Divisional Officer, Co-operative Central
Bank Branch, Podalakur, Nellore Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus under Article 226 of Constitution of India, declaring the action of the Divisional Co-operative Officer, Nellore Town & Dist., in not passing any orders in the suspension petition filed with the appeal by the petitioner on 26.04.05 aggrieved by the proceedings of the person-in-charge / chairman, Tegacherla P.A.C.S., Rapur Mandal, Nellore Dist., in RC No. 1/2005/Tegacherla, Dt: 30.09.04 is arbitrary, Illegal, without jurisdiction, in violation of Regulation 12 of Spl. Bylaws relating to service conditions of employees of primary agriculture, co-operative credit societies and consequently set aside the proceedings of the Person-in-Charge / Chairman, Tegacherla P.A.C.S., Rapur Mandal, Nellore Dist in RC No. 1/2005/Tegacherla Dt: 30.09.04.

Counsel for the Petitioner: MR.CH.CKRISHNA REDDY
Counsel for the Respondents: GP FOR COOPERATION

The Court at the admission stage made the following :

ORDER:

This writ petition is filed seeking a declaration that the action of the 1st respondent in not passing any orders in the suspension petition filed along with the appeal by the petitioner on 26.04.2005 aggrieved by the proceedings of the 2nd respondent in R.C.No.1/2005/Tegacherla, dated 30.09.2004, is arbitrary, illegal and consequently set aside the proceedings of the 2nd respondent.

Heard the learned counsel for the petitioner and the learned Government Pleader for Cooperation.

Admittedly, the petitioner filed a suspension petition before the 1st respondent on 26.04.2005 along with the appeal to suspend the proceedings of the 2nd respondent and the same is pending consideration.

Under the circumstances, without entering into the merits of the case, it s suffice to dispose of the writ petition with a direction to the 1st respondent to consider the suspension petition filed by the petitioner along with the appeal and pass appropriate orders, in accordance with the Rules and Regulations, expeditiously, preferably within a period of four weeks from the date of receipt of a copy of this order.

With the above observation, the writ petition is disposed of. There shall be no order as to costs.

28.04.2005

Note: Issue C.C. in three days.

(B/o)

Jsu

To

1 The Divisional Co-Operative Officer, Nellore Town & Dist.,

2 The Person-in-Charge / Chairman
Tegacherla PACS, Rapur Mandal, Nellore Dist.,
(Co-operative Sub-Divisional Officer, Co-operative Central Bank Branch, Podalakur, Nellore Dist.

3 2 CCs to the G.P for Cooperation, High Court Buildings,

Hyderabad. (OUT)

4 2 CD copies.